

ORDINANCE NO. 99 N.S.AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
RELATING TO RESTRICTED LIGHTING

THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES
DOES ORDAIN AS FOLLOWS:

SECTION 1. J. L. DeWitt, Lieutenant General, U. S. Army, Commanding Western Defense Command and Fourth Army, by virtue of the authority vested in him by the President of the United States and Executive Order No. 9066, dated February 19, 1942, and pursuant to Public Law 503--77th Congress, approved March 21, 1942, and by virtue of his powers and prerogatives as Commanding General of the Western Defense Command, has issued Public Proclamation No. 10, dated August 5, 1942, and effective August 20, 1942, which as amended by Public Proclamation No. 12, dated October 10, 1942, and issued by virtue of the same authority, reads as follows (omitting Exhibits incorporated therein):

"HEADQUARTERS WESTERN DEFENSE COMMAND
AND FOURTH ARMY
Presidio of San Francisco, California

PUBLIC PROCLAMATION NO. 10
August 5, 1942

"TO: The people within the States of Washington, Oregon and California, and to the Public Generally:

WHEREAS, by Public Proclamation No. 1, dated March 2, 1942 this Headquarters, there were designated and established Military Areas Nos. 1 and 2; and

WHEREAS, the armed forces of the enemy have made attacks upon vessels of the United States traveling along the Pacific Coastal waters and upon land installations within said Military Areas, and it is expected that such attacks will continue; and

WHEREAS, it is necessary to provide maximum protection for war utilities, war materials and war premises located within the States of Washington, Oregon and California against enemy attacks by sea and by air;

NOW, THEREFORE, I, J. L. DeWitt, Lieutenant General, U. S. Army, by virtue of the authority vested in me by the President of the United States and by the Secretary of War and my powers

and prerogatives as Commanding General of the Western Defense Command, do hereby declare that:

1. The present situation requires as a matter of military necessity that a Zone of Restricted Lighting be established within Military Areas Nos. 1 and 2, and that illumination within said Zone of Restricted Lighting be extinguished or controlled in such manner and to such extent as may be necessary to prevent such illumination from aiding the operations of the enemy.

2. Pursuant to the determination and statement of military necessity in Paragraph 1 hereof, a Zone of Restricted Lighting, as particularly described in Exhibit A hereof, and as generally shown on the map made a part hereof and marked Exhibit B, is hereby designated and established. Illumination within the entire area of said Zone of Restricted Lighting shall be extinguished or controlled at all times at night from sunset to sunrise, as follows:

(a) Signs, Floodlighting, Display and Interior Lighting. Illuminated signs and ornamental lighting of every description which are located out-of-doors, and floodlighting which illuminates buildings or signs (including but limited to all exterior advertising signs, billboards, display lighting, theatre marquee signs, illuminated poster panels, and building outline lighting), and all interior light sources (as hereinafter defined) which emit direct rays above the horizontal out-of-doors, shall be extinguished. The words, "light sources," as used herein are intended and shall be construed to mean and include any light generating elements and the bright portion of any reflector, lens, luminaire, transparency, or other equipment associated herewith for the control or diffusion of light. This Section 2(a) shall not apply to illumination for industrial or protective purposes except to the extent provided for in Section 2(b) hereof.

(b) Illumination of Outdoor Areas; Street and Highway Lights. Illumination of outdoor areas and industrial and protective illumination, shall be controlled as follows:

- (1) Except as provided in Section 2(b) (2) hereof, illumination on all outdoor areas (including but not limited to automobile service station yards, outdoor parking areas, recreation areas and outdoor structures and roofs) shall not exceed one foot candle at any point when measured on a horizontal plane at any level of such outdoor areas, and all outdoor light sources shall be shielded so that no direct rays from the light source are emitted above the horizontal. All interior lighting of every description shall be reduced or controlled so that it does not contribute more than one foot candle of illumination upon any outdoor area. All street and highway lights shall also be shielded so that each light source emits no more than ten per cent of its total lamp lumens

at angles above the horizontal. Provided the foregoing requirements are met, any further reduction or extinguishment of street or highway illumination which would unnecessarily aggravate traffic hazards is not required.

(2)

Variations from the foregoing requirements shall be permitted in the case of illumination for industrial and protective purposes, and from industrial processes, whether interior or exterior, but not including street or highway lights, only when and to the extent that it is necessary to vary from such requirements in order to achieve and maintain maximum efficiency; but only with the ^{written} approval of the Ninth Regional Civilian Defense Board, obtained in advance.

(c) Traffic Signs and Signals. Illuminated signs and signals which are authorized or maintained by governmental authority for the purpose of controlling or directing street or highway traffic shall be shielded so that no direct rays from the light source are emitted above the horizontal in respect to lights mounted ten feet or more above the ground, or above an angle of more than six degrees above the horizontal in respect to lights mounted less than ten but more than three feet above the ground, or above an angle of more than twelve degrees above the horizontal in respect to lights mounted less than three feet above the ground. Relative variations in the upward limit of light are permissible to compensate for grades.

(d) Navigation and Railroad Lights. Authorized lights necessary to facilitate air or water navigation, authorized railroad signal lights, and headlights of railroad locomotives when in motion, are hereby excepted from all the provisions of this Proclamation.

3. In addition to the restrictions hereinbefore imposed, illumination within that part of the Zone of Restricted Lighting which is visible from the sea, as hereinafter defined, shall be further diminished or obscured at all times at night from sunset to sunrise, as follows:

(a) Street, Highway and Traffic Lights. Street and highway lights, and illuminated signs (but not signals) which are authorized or maintained by governmental authority for the purpose of controlling or directing street or highway traffic and which are visible from the sea, shall be so shielded that they are not visible from the sea at night and so that no direct rays from the light source are emitted above the horizontal.

(b) Residential, Commercial and Industrial Windows. No lighting shall be permitted behind windows or glazed doors visible from the sea unless they are covered by drapes or shades.

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(c) Street and Highway Traffic. Within areas visible from the sea, but subject to the exceptions hereinafter stated, vehicles shall operate at night with no more than two lighted driving lamps, regardless of the direction of travel, and each such lamp shall provide a maximum of not more than 250 beam candlepower. Normal rear lights, license plate lights and clearance lights (where required by law) are permitted. Vehicles which are classified as authorized emergency vehicles under the applicable Federal, State or local law, when operated by authorized personnel, and when displaying an illuminated red spotlight, and when responding to a fire alarm, or when in the immediate pursuit of an actual or suspected violator of the law, or when going to or transporting a person who is in apparent need of immediate emergency medical or surgical care, or when responding to some other emergency involving the protection of life or property, shall be excepted from the foregoing provision.

(d) Industrial and Protective Illumination. Light sources for industrial purposes and light from industrial processes within areas visible from the sea, shall comply with the requirements of Section 2(b) hereof, and shall also be shielded so that they are not visible from the sea at night; provided, that variations from these requirements may be permitted in the case of illumination for industrial and protective purposes, and from industrial processes, whether interior or exterior (but not including street or highway lights), only when and to the extent that it is necessary to vary from such requirements in order to achieve and maintain maximum efficiency; but only with the written approval of the Ninth Regional Civilian Defense Board, obtained in advance.

(e) Other Illumination. Except as hereinabove provided in this Section 3, all other lights visible from the sea are prohibited at night, including but not limited to light from fire, bonfires, parked cars, flashlights and lanterns.

(f) Definition of "Visible From the Sea." The phrase "visible from the sea," as used herein, is intended and shall be construed to mean and include the following:

Visible at any time from the waters of the Pacific Ocean, or from the waters of the Straits of Juan de Fuca lying south of a line extending due east from the most southerly point of Vancouver Island and west of a line running due north and south through the easternmost point of the easterly boundary line of the City of Port Townsend, Washington, or visible from any of those bodies of water located on the shoreline of the State of California generally known and described as follows:

Santa Monica Bay;
Santa Barbara Channel;
San Luis Obispo Bay;
Estero Bay; and
Monterey Bay;

Provided, however, that the waters of San Francisco Bay, lying easterly of a line extending from Point Bonita through Mile Rock, is not intended and shall not be construed to be a part of the sea; and solely for the purposes of Section 3(c) hereof, concerning street and highway traffic, the phrase, "areas visible from the sea," is also intended and shall be construed to mean and include that portion of streets or highways which may not in fact be visible from the sea but which is within areas generally visible from the sea.

4. Any person violating any of the provisions of the Proclamation, or orders issued pursuant thereto, is subject to immediate exclusion from the territory of the Western Defense Command, and to the criminal penalties provided in Public Law No. 503, 77th Congress, approved March 21, 1942, entitled "An Act to provide a penalty for the violation of restrictions or orders with respect to persons entering, remaining in, leaving, or committing any act in military areas or zones."

5; The Ninth Regional Civilian Defense Board is hereby designated as the primary agency to aid in the enforcement of the foregoing provisions. It is requested that the civil law enforcement agencies and State and local governmental bodies within the areas affected by this Proclamation assist the Ninth Regional Civilian Defense Board in the enforcement hereof.

6. This Proclamation shall become effective August 20, 1942.

J. L. DeWITT
Lieutenant General, U.S. Army,
Commanding"

SECTION 2. Said Public Proclamation No. 12, in addition to amending Public Proclamation No. 10 as hereinabove set forth, contains the following paragraphs:

"B. This proclamation shall become effective October 25, 1942, except those provisions of Subsection 2(b) (1) hereof, concerning street and highway lights, which shall become effective November 12, 1942.

C. The recitals set forth in the first three paragraphs of said Public Proclamation No. 10 are hereby reaffirmed. Except as hereinbefore expressly amended, all the provisions and determinations expressed in said Public Proclamation No. 10 shall remain in full force and effect."

SECTION 3. The City of El Paso De Robles hereby recognizes the civil and military necessity for the concurrent enforcement of the provisions of Public Proclamation No. 10, as amended aforesaid, by the City of El Paso De Robles and the federal

government.

SECTION 4. The City of El Paso deRobles is within the Zone of Restricted Lighting, designated and established by SECTION 2 of said Public Proclamation No. 10 as amended as aforesaid.

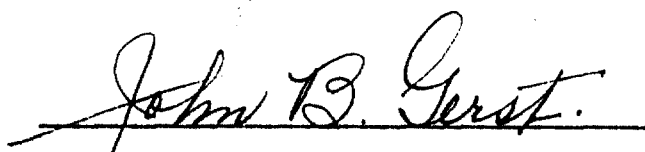
SECTION 5. Whoever on or after October 25, 1942, shall commit any act in the City of El Paso De Robles contrary to the provisions of either SECTION 2 or SECTION 3 of Public Proclamation No. 10 as amended as aforesaid, which amended proclamation is hereinabove set forth in full, shall be guilty of a violation of this ordinance which violation shall constitute a misdemeanor and upon conviction thereof shall be punishable by a fine of not to exceed \$300.00 or by imprisonment for not to exceed three months, or by both such fine and impr#isonment.

SECTION 6. This ordinance is required for the immediate preservation of the public peace, health and safety, and shall take effect immediately. The following is the statement of facts constituting such urgency: The United States is at war and this city by the provisions of Public Proclamation No. 10 as amended by Public Proclamation No. 12 is located in a military zone of restricted lighting established as a matter of military necessity in order to minimize the danger of enemy attack and to provide maximum protection for war utilities, war materials and war premises. By reason of the immediate threat of enemy attack compliance with the provisions of Public Proclamation No. 10 as amended by Public Proclamation No. 12 is essential for the protection of the lives and property


of the people of the City of El Paso de Robles.

SECTION 7. The City Clerk shall certify to the adoption of this ordinance and cause it to be published once in the Paso Robles Press, a newspaper of general circulation printed and published in this city.

PASSED AND ADOPTED by the City Council of the City of El Paso de Robles, this 16th day of November, 1942.


Mayor

Attest:


City Clerk

STATE OF CALIFORNIA
COUNTY OF SAN LUIS OBISPO
CITY OF EL PASO DE ROBLES

} SS.

I, S. S. Tucker, City Clerk of the City of
El Paso de Robles, California, do hereby certify that the foregoing Ordinance
No. 99 N.S. was duly and regularly adopted, passed, and approved by the City
Council of the City of El Paso de Robles, California, at a regular meeting of said City
Council held at the regular meeting place thereof, on the 16th day, of November
19 42, by the following vote:

AYES: Councilmen Bailey, Brooks, Gerst and Wilmar.

NOES: Councilmen None

ABSENT: Councilmen Dougherty

Dated this 16th day of November, 19 42


City Clerk and Ex-Officio Clerk of the City Council,
City of El Paso de Robles, State of California.